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S.B. CIVIL MISC. APPEAL NO.966/2007.
Gayatri Devi & Ors. Vs. Kamaljeet Singh & Ors.

Date of Order :: 27th February 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. S.K. Sankhla, for the appellants.

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BY THE COURT:

For quantification of compensation to be awarded to the wife, three major children and parents of about 51 years old vehicular accident victim Madhav Shanker, said to be working as conductor with Rajasthan State Road Transport Corporation and earning salary of Rs.7,887/- per month, with reference to the salary certificate (Ex.14) the Tribunal has taken into consideration carry-home income of the deceased at Rs.6,971/- per month, though has noticed that all the relevant deductions have not been shown in the said certificate; and after deducting one-third on personal expenditure of the deceased and with application of multiplier of 11, has assessed pecuniary loss at Rs.6,13,448/-, rounded up to Rs. 6,14,000/-. The Tribunal has also allowed Rs.30,000/- towards non-pecuniary loss and Rs.5,000/- towards funeral expenses and has, therefore, made the award of compensation in the sum of Rs.6,49,000/- and has allowed

interest @ 7.5% per annum from the date of filing of the claim application.

The award aforesaid is challenged by the claimants in this appeal seeking enhancement and learned counsel Mr. S.K. Sankhla appearing for the appellants has contended that the Tribunal has been in error in reducing the amount of Rs.971/- from the income of the deceased though it related to the Provident Fund deduction and, according to the learned counsel, the same being the part of income of the deceased and ultimately being his property, ought not to have been deducted while assessing loss for the claimants and, therefore, the award needs modification by upward revision of the amount of compensation. The submissions are not well founded nor the fact situation of the present case calls for any upward revision of the award amount.

It is noticed that the salary certificate showing salary of the deceased included house rent allowance at Rs.240/- and washing allowance of Rs.15/-. It is also noticed that the deceased was about 51 years of age, his wife about 45 years, and the children in the age group of 22 to 25 years. In the circumstances of the case, the Tribunal cannot be said to have erred in taking into consideration carry-home income of the deceased at Rs.6,971/- for the purpose of assessment of proper multiplicand. Moreover, in the overall circumstances of

the case and with the multiplicand standing at over Rs.55,000/- per annum, application of multiplier even of 11 appears to be rather on the higher side. Moreover, the Tribunal has proceeded to award interest @ 7.5% per annum and such rate of interest allowed in the award made in the month of November 2006 could only be said to be excessive.

In the ultimate analysis, the award in question rules out any scope for enhancement.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

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